Government of
Saskatchewan

Annual Report
1990 - 91

Saskatchewan
Labour Relations Board

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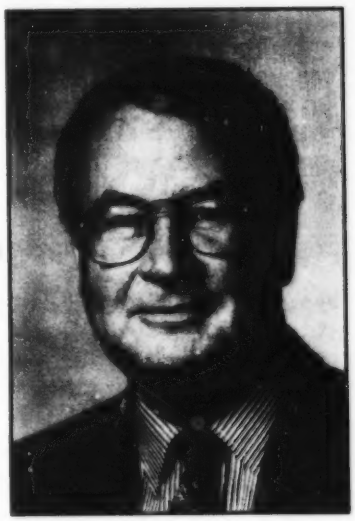
Published by Authority of
The Honourable Robert W. Mitchell
Minister of Human Resources, Labour
and Employment

Letter of Transmittal

The Honourable Sylvia Fedoruk
Lieutenant Governor
Province of Saskatchewan



May it Please Your Honour:

I respectfully submit the Annual Report of the Labour Relations Board for Saskatchewan for the fiscal year ending March 31, 1991.

Hon. Robert W. Mitchell, Q.C.
Minister of Human Resources,
Labour and Employment

Hon. Robert W. Mitchell, Q.C.
Minister of Human Resources,
Labour and Employment

Dear Sir:

It is my pleasure to provide you with the first Annual Report of The Labour Relations Board of Saskatchewan for the fiscal year ending March 31,1991.

Sincerely,

Richard I. Hornung, Q.C.
Chairman

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I. Labour Relations Board

The Labour Relations Board came into existence in 1944 with passage of *The Trade Union Act*, S.S. 1944 (2nd Sess.) c. 69. Although the act was amended in subsequent years, the basic concept of the board has not changed. Then, as now, the board is an independent, quasi-judicial tribunal charged with the responsibility of adjudicating disputes that arise under *The Trade Union Act*. It does this principally through public hearings and its written decisions. The board's decisions are final and binding upon the parties. There is no appeal, and review by the courts is strictly limited.

The act presently provides for a board composed of five members, and an unspecified number of alternate members. All members and alternate members of the board are appointed by the Lieutenant Governor in Council. The chairman and vice-chairman are full-time members of the board and appointed for fixed terms. The remaining members and alternate members are not employees of the board. They are appointed for two-year terms and paid on a per diem basis when their services are required. The board is a representational board. This means all members of the board, are representatives of employees or employers with the exception of the chairman who is neutral.

The board reports to the Minister of Human Resources, Labour and Employment, who is obligated by *The Trade Union Act* to provide the requisite staff and facilities. Otherwise, the board operates independently from all government departments and agencies.

The board's offices and staff are located in Regina, although the board maintains a hearing room in Saskatoon. The staff of the board is composed of the executive officer (the duties of which have been assumed by the vice-chairman), the board secretary and three clerical positions. An organizational chart of the Labour Relations Board is contained in Table I.

The current composition of the board is as follows:

Richard I. Hornung, Q.C. - Chairman

Mr. Hornung was appointed chairman of the board in 1989. He is a graduate of the University of Saskatchewan (B.A., L.L.B.) and the London School of Economics (L.L.M.) Mr. Hornung has lectured in law at the university level, and has extensive experience as a mediator and arbitrator. Prior to joining the board, he practised law in Regina. Mr. Hornung resides in Regina.

John R. B. Hobbs - Vice-Chairman

Mr. Hobbs graduated from the College of Law, University of Saskatchewan, in 1975. Following graduation, he practised law in Regina until joining the board in 1985 as vice-chairman. Mr. Hobbs also fills the role of executive officer. Mr. Hobbs resides in Regina.

Bruce McDonald

Mr. McDonald was appointed to the board as an alternate member in 1974 and as a member in 1977. He is the business agent for the International Brotherhood of Painters and Allied Trades, Local Union 1996. He is a past president of the Canadian Federation of Labour. Mr. McDonald resides in Saskatoon.

Clarence Lyons

Mr. Lyons was a member of the board in the 1950's, 1960's and was most recently appointed in 1977 as a representative of employees. Until his retirement, he was the international representative for the Canadian Food and Allied Workers, now known as the United Food and Commercial Workers. Mr. Lyons resides in Saskatoon.

John Forsyth

Mr. Forsyth was appointed to the board in 1975 as an employer representative. Although he is now retired, he was formerly the manager of Sherwood Co-operative Association Ltd. Mr. Forsyth resides in Regina.

Charles Cave

Mr. Cave was appointed to the board as an alternate member representing employees in 1972. He is a long-time member of the Brotherhood of Locomotive Engineers Union. Mr. Cave resides in Moose Jaw.

Jill Jones

Mrs. Jones was appointed to the board as an alternate member representing employees in 1984. She is a former president of the Saskatchewan Union of Nurses. Mrs. Jones resides in Regina.

R. J. Tomlinson

Mr. Tomlinson was appointed to the board as an alternate member representing employers in 1986. He is a former general manager of Graham Construction Ltd. Mr. Tomlinson resides in Moose Jaw.

John MacLeod

Mr. MacLeod was first appointed to the board in 1979 as an alternate member representing employees. He was recently re-appointed in the same capacity. Mr. MacLeod is the business agent for the International Brotherhood of Electrical Workers. He resides in Regina.

Edward Lochrie

Mr. Lochrie was appointed to the board as an alternate member representing employees in 1985. Mr. Lochrie is a long-time member of the United Steelworkers of America. He resides in Saskatoon.

Gerry Caudle

Mr. Caudle was appointed to the board as an alternate member in 1987 representing employees. He is a representative of the Canadian Union of Public Employees. He resides in Saskatoon.

Gordon B. Bennett

Mr. Bennett was appointed to the board in 1989 as an alternate member representing employers. Mr. Bennett is the president of Bennett Dunlop Ford. He resides in Regina.

Garth C. Kennedy

Mr. Kennedy was appointed to the board in 1989 as an alternate member representing employers. He is the General Manager of Army & Navy Department Stores Limited. He resides in Regina.

Kathleen Joyner

Mrs. Joyner was appointed to the board in 1990 as an alternate member representing employers. She is the president of a retail corporation and manages several clothing stores. She resides in Moose Jaw.

Elaine Bambury

Mrs. Bambury was appointed to the board in 1990 as an alternate member representing employers. She is employed as an administrator at the Wolseley Union Hospital. She resides in Wolseley.

II. The Trade Union Act

In Canada, legislative jurisdiction over industrial relations has, since a ruling of the Supreme Court of Canada in 1925, fallen largely under provincial jurisdiction. Fortunately the potential this presented for legal fragmentation was offset by interprovincial management and union structures, common history and common day-to-day economic and political conditions. The result is a remarkable commonality of core principles and procedures in all 11 Canadian jurisdictions.

The main features of *The Trade Union Act*, like its counterparts in all other Canadian jurisdictions, are:

(a) the traditional courts are replaced by a specialized, quasi-judicial tribunal with exclusive and binding jurisdiction over the matters assigned to it by *The Trade Union Act;*

(b) the law of conspiracy and restraint of trade, is abolished insofar as it applies to employees who bargain collectively;

(c) the majority of employees determine for all employees in the unit, whether they will bargain collectively and, if so, through which union;

(d) an employer is required to recognize the union chosen by the majority of its employees as their exclusive representative for the purpose of bargaining collectively;

(e) the employer and the union are required to bargain in good faith with a view to concluding a collective bargaining agreement;

(f) a number of unfair labour practices are created to protect employees and unions from any attempt by the employer to interfere with their rights;

(g) strike and lock-out activity is regulated, but not prohibited;

(h) specific issues, such as union security, technological change, conciliation, voting procedures and religious exclusions are addressed; and

(i) remedial and enforcement procedures are specified.

In short, the act provides the legal framework for collective bargaining, along with a procedure for adjudicating disputes and enforcing rights and obligations. *The Trade Union Act*, like its counterparts in all other Canadian jurisdictions, does not attempt to prohibit economic conflict between employees and employers, but only to control it. It does not attempt to regulate the outcome of collective bargaining, but merely the process to be followed. Occasionally, the legislature will remove a particular term or condition of employment from the bargaining table and award it to one side or the other, but for the main, the final arbiter of the employees' terms and conditions of employment is the marketplace.

III. Budget Summary

The total budget of the Saskatchewan Labour Relations Board for the fiscal year ending March 31, 1991 was $447,200. The actual sum expended by the board during the fiscal year was $416,450.

IV. Summary of Board Activity for 1990-91

Between April 1, 1990, and March 31, 1991, the Labour Relations Board held 12 monthly meetings lasting a total of 97 days.

A total of 260 applications were received by the board during the year. Table 2 shows these applications by type of application and disposition. The five-year trend is shown by disposition in Table 3 and by type in Table 4.

During 1990-91, 75 certification orders covering 1,122 employees were issued by the board and seven certification orders affecting 92 employees were rescinded.

Table 1

Labour Relations Board
Organizational Chart
March 31,1991

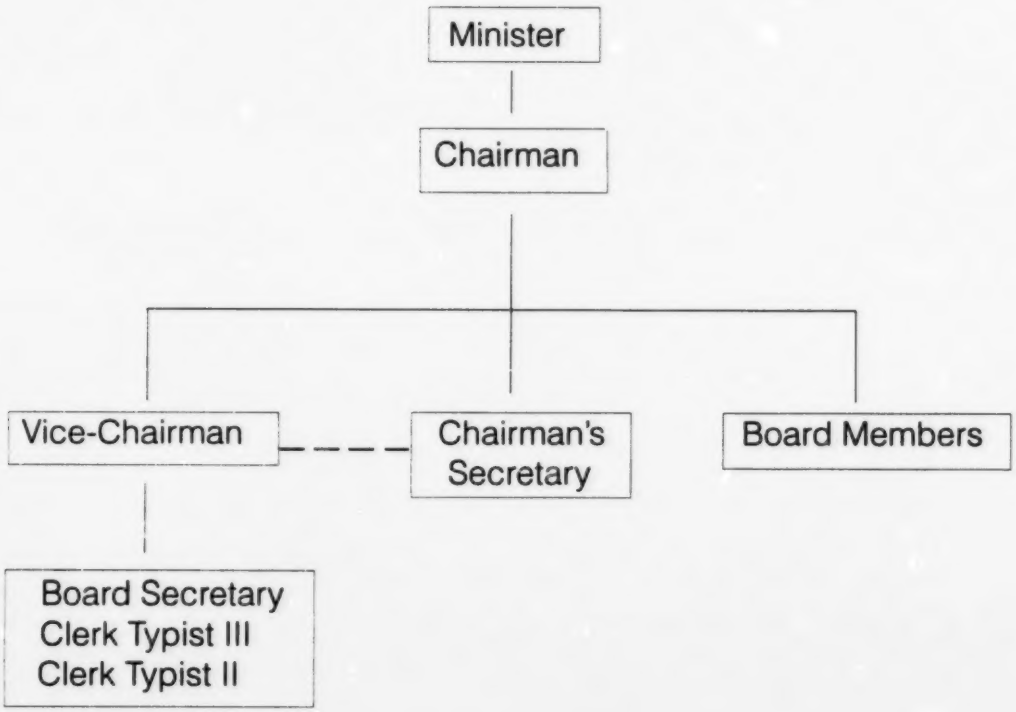

Table 2

Applications under *The Trade Union Act* by Type of Application and Disposition, 1990-91

Type of application and disposition	Applications
Total Applications	234*
Granted	156
Dismissed	41
Withdrawn	35
Determined	2
Conducted	0
Certification	
(Section 5, clauses a, b and c)	90
Granted	75
Dismissed	5
Withdrawn	10
Unfair labour practice	
(Section 5, clause d)	46
Granted	18
Dismissed	23
Withdrawn	15
Reinstatement	
(Section 5, clause f)	10
Granted	8
Dismissed	1
Withdrawn	1
Monetary Loss	
(Section 5, clause g)	11
Granted	7
Dismissed	0
Withdrawn	4
Company Dominated	
(Section 5, clause h)	--
Granted	--
Dismissed	--
Withdrawn	--
Amendment or Rescission	
(Section 5, clauses i, j and k)	55
Granted	43
Dismissed	8
Withdrawn.	4
Exclusion on religious grounds	
(Section 5, clause 1)	7
Granted	3
Dismissed.	4
Withdrawn	--
Employee determination	
(Section 5, clause m)	--
Determined	--
Strike Votes	
(Section 11[8])	--
Dismissed	--
Withdrawn	--
Reference of Dispute	
(Section 24)	1
Determined	1
Withdrawn.	--
Transfer of Obligation	
(Section 37)	1
Determined	1
Dismissed	--
Withdrawn.	--
Technological Change	
(Section 43)	--
Granted	--
Dismissed	--
Withdrawn	--
Ratification Votes	
(Section 45)	--
Conducted	--
Dismissed.	--
Withdrawn	--

* 234 applications were disposed of although 260 applications were received.
Source: Saskatchewan Labour Relations Board files.

Table 3

Applications to the Labour Relations Board under *The Trade Union Act*, by Disposition, 1986-87 to 1990-91

Year	Total Applications	Granted	Dismissed	Withdrawn	Determined*	Conducted
1986-87	392	222	54	111	5	-
1987-88	287	128	55	102	2	-
1988-89	274	126	43	95	6	-
1989-90	261	146	54	58	2	1
1990-91	234	156	41	35	2	-

* Under *The Trade Union Act*, the board may determine the outcome of any dispute referred to it by either party. The decision of the board is final and binding.
Source: Saskatchewan Labour Relations Board files.

Table 4

Applications under *The Trade Union Act*
by Type of Application, 1986-87 to 1990-91

Type of Application	1986-87	1987-88	1988-89	1989-90	1990-91
Total applications	392*	229*	274*	261*	234*
Certification (Section 5, clauses a, b and c)	130	78	77	105	90
Unfair labour practices (Section 5, clause d)	93	68	90	60	46
Reinstatement (Section 5, clause f)	48	42	23	18	10
Monetary loss (Section 5, clause g)	47	43	23	18	11
Company dominated (Section 5, clause h)	--	1	--	--	--
Amendment or Rescission (Section 5, clauses i, j and k)	45	44	39	41	55
Exclusion on religious grounds (Section 5, clause l)	3	2	7	13	7
Employee determination (Section 5, clause m)	3	--	2	--	--
Strike Votes (Section 11[8])	1	3	--	--	--
Reference of Dispute (Section 24)	6	3	6	2	1
Transfer of Obligation (Section 37)	1	2	--	2	1
Technological Change (Section 43)	1	1	1	--	--
Ratification Votes (Section 45)	1	--	6	2	--

*This figures represents the number of applications disposed of not the number received.
Source: Saskatchewan Labour Relations Board files.